

Notice of Allowability

Application No.

10/047,402

Examiner

Clark F. Dexter

Applicant(s)

KING, WILLIAM C.

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the response filed on April 8, 2005.
2. ☒ The allowed claim(s) is/are 1,8,11,12,14,15,19,20,27,31-40 and 45.
3. ☒ The drawings filed on 30 July 2004 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
 - * Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

- | | |
|---|--|
| 1. <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 5. <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 2. <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 6. <input type="checkbox"/> Interview Summary (PTO-413), Paper No./Mail Date _____. |
| 3. <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____ | 7. <input checked="" type="checkbox"/> Examiner's Amendment/Comment |
| 4. <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit of Biological Material | 8. <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
| | 9. <input type="checkbox"/> Other _____. |

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. James Welch on May 10, 2005.

2. The application has been amended as follows:

In the Claims

Claim 1, line 3, --in a longitudinal direction-- has been inserted after "extending";
line 10, "a longitudinal" has been changed to --said longitudinal--;
line 18, the following has been inserted after "support":
--to move said upper and lower portions with respect to one
another--.

Claim 8, line 2, --in a longitudinal direction-- has been inserted after "extending";
line 9, , the following has been inserted after "support":
--to move said upper and lower portions with respect to one
another--.

Claim 11, line 3, --in a longitudinal direction-- has been inserted after "extending";
line 14, "a longitudinal" has been changed to --said longitudinal--;

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line 23, the following has been inserted after "support":

--to move said upper and lower portions with respect to one
another--.

Claim 19, line 3, --in a longitudinal direction-- has been inserted after "extending";

line 12, "a longitudinal" has been changed to --said longitudinal--;

line 21, the following has been inserted after "support":

--to move said upper and lower portions with respect to one
another--.

Claim 27, line 3, --in a longitudinal direction-- has been inserted after "extending";

line 13, "a longitudinal" has been changed to --said longitudinal--;

line 29, "fuctionally" has been changed to --functionally--;

line 43, --at-- has been inserted before "one".

In the Specification

Page 1, line 6, the following has been inserted after "05/11/01":

-- , now U. S. Patent No. 6,769,187--.

Page 2, line 24, "A" has been deleted, and the first comma "," has been deleted.

Page 8, line 27, --be-- has been inserted before "misaligned".

Page 12, line 14, "an" has been deleted;

line 18, "an" has been deleted.

Page 14, line 17, "1a" has been changed to --1b--.

Page 18, line 15, "chains" has been changed to --chain--.

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Page 20, line 8, "the" has been changed to --that in--, and a comma --,-- has been inserted after "10b";

line 12, "discussing" has been changed to --discussion--;

line 14, --of-- has been inserted after "location";

line 20, the following has been inserted after "of";

--a chain saw that is similar to--;

line 21, "(DE)" has been deleted.

Page 22, line 13, "horizontal slit" has been inserted before "(OSS)".

Remarks

3. The above changes to the claims were agreed upon to further clarify the claimed invention and to correct informalities, and the above changes to the specification were made to correct informalities and/or for clarification.

Additional Prior Art

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The newly-cited prior art disclose inventions which have features similar to the claimed invention. However, these inventions, each taken alone or in combination with the prior art of record, do not teach or fairly suggest the claimed invention.

Reasons for Allowance

5. The following is an examiner's statement of reasons for allowance:

The prior art of record, either taken alone or in combination, does not teach or fairly suggest the claimed invention. For example, the prior art of record does not teach or suggest a chain saw comprising a housing and an elongated support as claimed, said elongated support having upper and lower portions separated by a longitudinal slit as claimed, means for applying force between the upper and lower portions of the elongated support, and the longitudinal slit further comprising an effective projection as claimed and an effective groove as claimed, the effective projection being of a first color proximally and of a second color peripherally.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Clark F. Dexter whose telephone number is (571)272-4505. The examiner can be reached Monday, Tuesday, Thursday and Friday during normal business hours.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Allan N. Shoap can be reached on (571)272-4514. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Clark F. Dexter', with a long horizontal stroke extending to the right.

Clark F. Dexter
Primary Examiner
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cf
May 10, 2005